

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OPPERMAN, et al.,
Plaintiffs,
v.
PATH, INC., et al.,
Defendants.

Case No. 13-cv-00453-JST

ORDER RELATING CASES

Re: Gutierrez v. Instagram, Inc.,
No. 12-cv-06550-JST

**THIS DOCUMENT RELATES TO ALL
CASES:**

Hernandez v. Path, Inc., No. 12-cv-01515-JST
Pirozzi v. Apple, Inc., No. 12-cv-01529-JST

Before the Court is Defendant Instagram, LLC's ("Instagram") unopposed Administrative Motion to Consider Whether Cases Should Be Related pursuant to Civil Local Rule 3-12 (the "Motion"), ECF No. 328. The Court has considered the Motion and the Declaration of Mazda K. Antia in support thereof, all papers filed in support of the Motion, and all other materials properly considered by the Court.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

1. Pursuant to Civil Local Rule 3-12, the action Gutierrez v. Instagram, Inc., Case No. 12-cv-06550-JST ("Gutierrez"), is hereby related to the earlier filed class action Opperman v. Path, Inc. et al., Case No. 13-cv-00453-JST ("Opperman").

2. Pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10(c), the Court hereby orders the parties to appear for a case management conference on June 21, 2013, at 2:00 p.m., in Courtroom 9, 19th Floor, 450 Golden Gate Ave., San Francisco, CA 94102.

3. Counsel in the related action shall familiarize themselves with this Court's standing orders and its "Order Scheduling Case Management Conference," ECF No. 327, issued May 17, 2013, in the Opperman action. The provisions of that Order shall govern the practice and

1 procedure in each related action, including Gutierrez, until further case management orders are
2 issued by the Court.

3 4. Any filings concerning all cases shall recite, below the title of the document, “This
4 Document Relates to All Cases.” All such filings shall be filed solely in the Opperman docket,
5 Case No. 13-cv-00453. Pursuant to General Order 45, Counsel for all parties shall ensure that
6 they are registered to receive notices of electronic filings in the Opperman case via the Electronic
7 Case Filing system. Any filings concerning only one of the above-captioned cases shall recite,
8 below the title of the document, “This Document Relates to [case number] Only” and shall be filed
9 solely in the docket for that case.

10 5. Prior to the entry of a Case Management Order, Defendants in each action are
11 granted an extension of time, if applicable, for responding to the complaint(s). In addition, all
12 outstanding motions shall be held in abeyance until further order of this Court, and counsel shall
13 recommend a schedule for their resolution, as set forth further below. Discovery proceedings that
14 had been commenced prior to relation may continue; however, no further discovery shall be
15 initiated until further order of the Court.

16 6. Each party represented by counsel shall appear at the case management conference
17 scheduled for June 21, 2013, at 2:00 p.m., through the party’s attorney who will have primary
18 responsibility for the party’s interest in the litigation. To minimize costs and facilitate a
19 manageable conference, parties with similar interests may agree to have an attending attorney
20 represent the party at the conference. No party shall be precluded from other representation by
21 designating an attorney to represent the party at the conference, nor will attendance at the
22 conference waive objections to jurisdiction, venue, or service. However, any agreements reached,
23 or representations made, at the hearing by the attending attorney will be binding on any party on
24 whose behalf that attorney appears.

25 7. Counsel are expected to familiarize themselves with the Manual for Complex
26 Litigation, Fourth (2004) (“MCL 4th”), including in particular, §§ 22.6–22.63, and be prepared at
27 the conference to suggest procedures that will facilitate the resolution of this litigation as
28 discussed further below.

1 8. Given the Gutierrez parties' representations in the Joint Case Management
2 Statement filed in Opperman on June 8, 2013, ECF No. 330, the parties need not file a case
3 management statement prior to the June 21, 2013 Case Management Conference.

4 **IT IS SO ORDERED.**

5 Dated: June 11, 2013

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7 JON S. TIGAR
8 United States District Judge
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United States District Court
Northern District of California